

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Uyen K. Tran et al.

Title: IMMUNE RESPONSE-ASSOCIATED
PROTEINS

Appl. No.: 10/535,635

Filing Date: 03/02/2006

Examiner: Unassigned

Art Unit: Unassigned

PETITION UNDER 37 C.F.R. § 1.47(a) – Narinder K. Chawla

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is hereby made to include Narinder K. Chawla as a joint inventor of the above-identified application even though she refuses join in the application by signing an oath or declaration complying with 37 C.F.R. § 1.63. A declaration complying with 37 C.F.R. § 1.63 signed by the joint inventors, is included herewith. Below is a description of the pertinent facts explaining the refusal of Ms. Chawla to join in the subject application, as well as her last known address.

RECEIVED
- 8 MAY 2006
Legal Staff
International Division

1. The named inventors of the above-identified application are as follows:

Uyen K. Tran

Thomas W. Richardson

Shanya D. Becha

Vicki S. Elliott

Anita Swarnakar

Soo Yeun Lee

Jayalaxmi Ramkumar

Jonathan T. Wang

David Chien

Jagi Murage

Mili Gera

Joseph P. Marquis

Narinder K. Chawla

Lisa L: Nakamura

Amy E. Kable

2. The last known address of Ms. Chawla is: 33 Union Square #417, Union City, California 94587. Ms. Chawla has also informed the undersigned that her name has changed to Narinder Walia.
3. The following attempts were made to contact Narinder Chawla Walia to inform her that her signature was needed on a Declaration complying with 37 C.F.R. § 1.63 in connection with the above-identified application.

- a. On May 31, 2005, a copy of the above-referenced application and a Declaration complying with 37 C.F.R. § 1.63, was sent to Ms. Chawla from Michele Simkin, attorney for the applicants, via Federal Express. A letter was included requesting that she return the signed documents by July 1, 2005. Also included was a prepared return Federal Express label to ease Ms. Chawla's return of the documents. A copy of the May 31, 2005, letter is attached.

b. On September 7, 2005, Christine Arthur, a legal assistant employed by Foley and Lardner LLP, called and spoke to Ms. Chawla asking if she had received the letter and documents sent on May 31, 2005. Ms. Chawla told Ms. Arthur that she was going to be moving, and had received the documents, but had subsequently misplaced the documents, and asked if Ms. Arthur would re-send the documents. Ms. Chawla indicated that the documents could be sent to the same address, and also that her name had changed to Narinder Walia. A duplicate set of documents, including the Declaration, was sent to Ms. Chawla-Walia on September 7, 2005 via Federal Express. A copy of the Federal Express shipping record is attached.

c. On November 14, 2005, Christine Arthur called Ms. Chawla-Walia again and Ms. Chawla-Walia said her apartment number had changed and she had not received the documents sent on September 7, 2005. Ms. Arthur told Ms. Chawla-Walia that the documents would be re-sent to her at the new apartment number. On November 16, 2005, a letter, enclosing duplicate copies of the previously sent documents was sent to Ms. Chawla-Walia by Michele Simkin via Federal Express. A copy of the letter and the Federal Express shipping record, showing the package was delivered to Ms. Chawla-Walia on November 17, 2005, is attached.

d. On January 10, 2006, Christine Arthur called Ms. Chawla-Walia and left a message to please call and confirm that the Declaration had been signed and returned.

e. On January 27, 2006, Christine Arthur called Ms. Chawla-Walia and received a recording that the phone number had been disconnected.

f. As of the date of this petition, no signed documents regarding the above-captioned application have been received from Ms. Chawla-Walia. No phone listing could be found for either Narinder Chawla or Narinder Walia in California.

4. In view of the multiple requests made to Ms. Chawla-Walia execute the Declaration in connection with the subject application, and Ms. Chawla-Walia's lack of responsiveness to

Atty. Dkt. No. 071949-9701
Serial No. 10/535,635

these requests, it is apparent that Ms. Chawla-Walis is refusing to join in the subject application by executing the Declaration. Further, Ms. Chawla-Walia is now unable to be located. Therefore, in accordance with 37 C.F.R. § 1.47(a), the undersigned petitions the U.S. Patent and Trademark Office to accept the accompanying Declaration complying with 37 C.F.R. § 1.63 executed by the other joint inventor of this application.

The fee for this Petition is \$130.00. A check for this amount is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Date March 2, 2006

By Michele M. Simkin

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6142
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicants
Registration No. 34,717

May 31, 2005

WRITER'S DIRECT LINE
202.672.5538
msimkin@foley.com EMAILCLIENT/MATTER NUMBER
039386-2269**VIA FEDERAL EXPRESS DELIVERY**

Narinder K. Chawla
33 Union Square #712
Union City, California 94587

Re: U.S. National Stage of Application No.: PCT/US03/38178
Title: IMMUNE RESPONSE-ASSOCIATED PROTEINS
Inventor(s): Uyen K. Tran et al.
Our Ref.: 039386-2269
Incyte Ref.: PF-1629 PCT

Dear Narinder Chawla:

We are the legal representatives for Incyte Corporation. We currently are in the process of entering the U.S. national phase of the above-identified international application. Enclosed for your review is a copy of the published international application.

We ask that you please sign and date the enclosed Declaration and Assignment, and return these documents to us in the enclosed self-addressed Federal Express envelope no later than **July 1, 2005**, so that we may promptly file them with the U.S. Patent and Trademark Office. Please keep the enclosed application for your records.

Please make any corrections and/or additions necessary on the Declaration and Assignment and initial and date where corrections are needed.

We greatly appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact us.

Very truly yours,



Michele M. Simkin

MMSC/clar
Enclosures

002.1402416.1

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JACKSONVILLE

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SAN DIEGO
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SILICON VALLEY
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Track Shipments

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Tracking number	852088918574	Reference	071949-9701
Signed for by	C TALAUEGA	Delivered to	Receptionist/Front Desk
Ship date	Sep 7, 2005	Service type	Standard Envelope
Delivery date	Sep 8, 2005 12:37 PM		
Status	Delivered		

Date/Time	Activity	Location	Details
Sep 8, 2005	12:37 PM	Delivered	Delivered to address other than recipient
	12:37 PM	Delivery exception	Customer not available or business closed
	9:26 AM	On FedEx vehicle for delivery	UNION CITY, CA
	6:59 AM	At local FedEx facility	UNION CITY, CA
	5:47 AM	In transit	OAKLAND, CA
	5:46 AM	Arrived at FedEx location	OAKLAND, CA
	4:06 AM	Departed FedEx location	MEMPHIS, TN
	12:24 AM	Departed FedEx location	MEMPHIS, TN
	11:39 PM	Arrived at FedEx location	MEMPHIS, TN
	11:16 PM	Left origin	WASHINGTON, DC
7:01 PM	Picked up	WASHINGTON, DC	
Sep 7, 2005			

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<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: HTML Text Wireless

Add personal message:

Not available for Wireless or
non-English characters.

November 16, 2005

FOLEY & LARDNER LLP
ATTORNEYS AT LAW

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msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER
039386-2269

VIA FEDERAL EXPRESS DELIVERY

Narinder Walia
33 Union Square #417
Union City, California 94587

Re: U.S. National Stage of Application No.: PCT/US03/38178
Title: IMMUNE RESPONSE-ASSOCIATED PROTEINS
Inventor(s): Uyen K. Tran et al.
Our Ref.: 071949-9701 (previously 039386-2269)
Incyte Ref.: PF-1629 PCT

Dear Ms. Walia:

Further to your phone conversation with my legal assistant, Chris Arthur, on Monday, November 14, 2005, enclosed is a Declaration and Assignment for the above-referenced application. We ask that you please sign and date the enclosed Declaration and Assignment, and return these documents to us in the enclosed self-addressed Federal Express envelope no later than December 1, 2005, so that we may promptly file them with the U.S. Patent and Trademark Office.

Please make any corrections and/or additions necessary on the Declaration and Assignment and initial and date where corrections are needed.

We greatly appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact me, or my assistant, Chris Arthur at 202-295-4054.

Very truly yours,

Michele M. Simkin

MMSC/clar
Enclosures

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Track Shipments
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Tracking number	852088918644	Reference	071949-9701
Signed for by	9999999	Destination	UNION CITY, CA
Ship date	Nov 16, 2005	Service type	FedEx 2Day Service
Delivery date	Nov 17, 2005 1:48 PM		
Status	Delivered		

Date/Time	Activity	Location	Details
Nov 17, 2005	1:48 PM Delivered	UNION CITY, CA	Package delivered to recipient address - release authorized

 Signature proof

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